

**REMARKS**

Claims 29-31 are all the claims pending in the application.

**I. Claim Rejections - 35 U.S.C. § 103**

The Examiner rejected claims 29-31 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Robinson (US 7,072,846) in view of Morohashi (US 7,130,251).

***Claim 29***

The Applicant respectfully disagrees, and submits that neither Robinson or Morohashi teach “if the portable terminal is connected to the server apparatus through the interface, the updated number of plays of each of said pieces of music stored in the terminal-side storage section without the data of pieces of music are sent to the server apparatus,” as recited in claim 29. Morohashi merely discloses a configuration that the user is capable of downloading the additional information associated with the musical data from the Internet server 60 to the music server 50. In other words, in Morohashi, the additional information is downloaded when the user requests it.

In contrast, claim 29 recites that “if the portable terminal is connected to the server apparatus through the interface, the updated number of plays of each of said pieces of music stored in the terminal-side storage section without the data of pieces of music are sent to the server apparatus.” Therefore, if the portable terminal is connected to the server apparatus through the interface, the updated number of plays of each of said pieces of music stored in the terminal-side storage section without the data of pieces of music is sent to the server apparatus. Therefore, the above operation is triggered when “the portable terminal is connected to the server apparatus through the interface,” without first necessitating the request of the user.

Furthermore, Morohashi merely discloses “additional information,” and this additional information is not identified as the updated number of plays of each of the pieces of music.

The Applicant additionally submits that the additional information in Morohashi is transmitted with the musical data on the basis of the user’s request, while in contrast, the embodiment described in claim 29 indicates that when the terminal 10 and the server 1 are again connected, the updated number of plays of each of said pieces of music stored in the terminal-side storage section without the data of pieces of music is automatically sent to the server apparatus.

The Applicant refers the Examiner to para. [0146] of the specification for further details of the automatic sending.

Finally, the Applicant submits that the configuration described in claim 29 realizes an effect where the server can keep track of the mode in which the user utilizes the information in the terminal without first needing to receive the user’s request, and without the conscious operation of the user.

For at least the reasons stated above, the Applicant submits that neither Robinson nor Morohashi, taken alone or in combination, teach or suggest the features of claim 29. The Applicant thus requests that the rejection under 35 U.S.C. § 103(a) be withdrawn.

***Claim 30***

The Applicant submits that claim 30 is allowable for at least the same reasons described above with regard to claim 29, as claim 30 similarly recites “sending the number of plays of pieces of music stored in the terminal-side storage section without the data of pieces of music to the server apparatus when the portable terminal is connected to the server apparatus.” Morohashi is only capable of downloading additional information, but does not disclose sending

the number of plays...when the portable terminal is connected to the server apparatus, as recited in claim 30.

For at least the reasons stated above, the Applicant submits that neither Robinson nor Morohashi, taken alone or in combination, teach or suggest the features of claim 30. The Applicant thus requests that the rejection under 35 U.S.C. § 103(a) be withdrawn.

***Claim 31***

The Applicant submits that claim 31 is allowable for at least the same reasons described above with regard to claim 29, as claim 31 similarly recites “wherein, if the portable terminal is connected to the server apparatus through the interface, the updated number of plays of each of said pieces of music stored in the terminal-side storage section without the data of pieces of music are sent to the server apparatus.” Morohashi is only capable of downloading additional information, but does not disclose that “if the portable terminal is connected to the server apparatus through the interface, the updated number of plays of each of said pieces of music stored in the terminal-side storage section without the data of pieces of music are sent to the server apparatus.”

For at least the reasons stated above, the Applicant submits that neither Robinson nor Morohashi, taken alone or in combination, teach or suggest the features of claim 31. The Applicant thus requests that the rejection under 35 U.S.C. § 103(a) be withdrawn.

**II. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Scott H Davison/

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